

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Magistrate Docket No.

08 MS 0743 MII:20

Plaintiff,

v.

Leonicio ALVA-Maldonado,

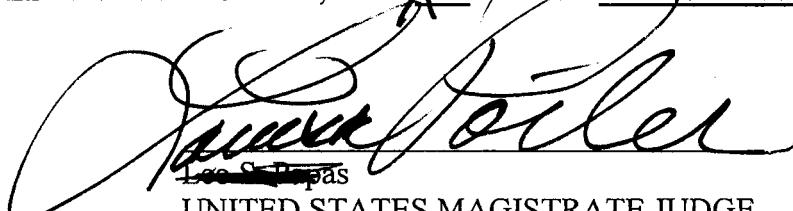
Defendant

COMPLAINT FOR VIOLATION OF:Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **March 07, 2008** within the Southern District of California, defendant, **Leonicio ALVA-Maldonado**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANTJames Trombley
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7TH DAY OF MARCH 2008
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Leonicio ALVA-Maldonado

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On March 07, 2008, Border Patrol Agent J. Tackett, was assigned to linewatch duties in the Chula Vista Border Patrol's area of operations. At approximately 1:30 a.m., Senior Patrol Agent C. Loy informed Agent Tackett via service radio that he had observed a group of individuals walking northbound near an area commonly known as "675 Hump." This area is located approximately two miles East of the Otay Mesa, California Port of Entry and approximately 1/2 mile north of the United States/Mexico International Boundary. Agent Loy directed Agent Tackett to the location and he found seven individuals lying in an open field. Agent Tackett approached the individuals, identified himself as a United States Border Patrol Agent and then conducted an Immigration Inspection.. All seven individuals including one later identified as the defendant **Leonicio ALVA-Maldonado** stated they were citizens and nationals of Mexico without any documents that would allow them to be or remain in the United States legally. At approximately 1:40 a.m., Agent Tackett placed the seven individuals under arrest and transported them to the Chula Vista Border Patrol station.

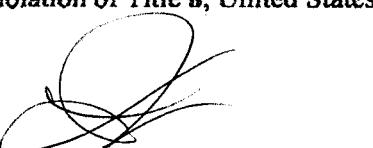
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on August 29, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on March 08, 2008 at 10:00 am.



Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 5 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on March 07, 2008 in violation of Title 8, United States Code, Section 1326.



Leo S. Papas
United States Magistrate Judge

3/8/08 - 112 pm
Date/Time